

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:00CR130
)	
v.)	
)	
URIEL CARRANZA,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence by a person in federal custody (Filing No. [452](#)), and his motion to expand the record pursuant to Rule 7(b) of the rules governing 28 U.S.C. § 2255 proceedings (Filing No. [453](#)). The Court finds the motions should be denied.

First of all, this is defendant's third motion under 28 U.S.C. § 2255 and it is untimely. The Court has reviewed the motion and the explanation justifying a late filing and finds it is without merit. The motion is premised upon an affidavit that he was never made aware of the plea agreement offer by the government. However, the government has filed a response (Filing No. [459](#)) with an index (Filing No. [460](#)), which includes an affidavit from defendant's counsel which establishes that defendant was made aware of the proposed plea agreement at the

time it was offered by the government. A separate order will be entered in accordance with this memorandum opinion.

DATED this 13th day of June, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court